

51

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

JAMES SEABA and CORY PHILLIPS,

Plaintiffs,

v.

MESOSYSTEMS TECHNOLOGY, INC.,

Defendant.

02 SEP -3 PM MLK

NO. CIV-02-0103-LHW

CLERK ALBUQUERQUE

AFFIDAVIT OF NED A. GODSHALL  
IN SUPPORT OF DEFENDANT'S MOTION TO DISMISS OR REMOVE

STATE OF NEW MEXICO            )  
  ) ss.  
COUNTY OF BERNALILLO        )

Ned A. Godshall, upon his oath states the following to be true and correct:

1. I am employed as the Chief Executive Officer of MesoFuels, Inc. a owned and controlled subsidiary of MesoSystems Technology, Inc. ("MesoSystems"), located in Albuquerque, New Mexico.

2. I am providing this affidavit in order to correct incorrect factual statements contained in the plaintiffs' response to MesoSystems' supplement to its reply memorandum in support of motion to dismiss. Specifically, there are no plans to move the MesoSystems headquarters to Albuquerque from Kennewick, Washington.

3. MesoSystems has not been able to locate a potential buyer for the City of Albuquerque Industrial Revenue Bonds, and has consequently decided to abort any future move to Albuquerque.

132

4. There are no plans to move the MesoSystems headquarters to Albuquerque, New Mexico. Instead the Board of Directors of MesoSystems has indefinitely postponed any decision to move the company to Albuquerque, New Mexico, pending stabilization of financial markets and political implementation of a Department of Homeland Security.

FURTHER AFFIANT SAYETH NAUGHT.

Ned A. Godshall  
Ned A. Godshall

STATE OF NEW MEXICO       )  
  ) ss.  
COUNTY OF BERNALILLO    )

This instrument was acknowledged before me by Ned A. Godshall this 3<sup>rd</sup> day of September, 2002.

Hilda Kennedy  
NOTARY PUBLIC

My Commission Expires:

09-11-04

